

# UNITED STATES DISTRICT COURT

## SOUTHERN DISTRICT OF CALIFORNIA

FILED

UNITED STATES OF AMERICA,

Plaintiff,

v.

Fernando GONZALEZ-Gonzalez,

Defendant.

Magistrate Docket N07 JUL 16 AM 11:24

CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

'07 MJ 1667

DEPUTY

COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326

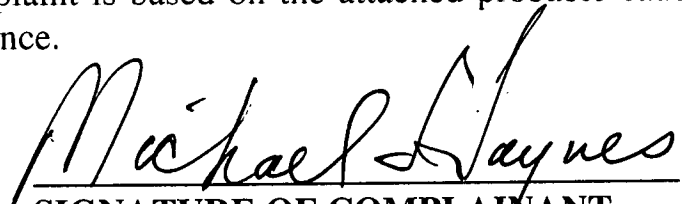
Deported Alien Found in the

United States (Felony)

The undersigned complainant, being duly sworn, states:

On or about **May 17, 2007**, within the Southern District of California, Defendant **Fernando GONZALEZ-Gonzalez**, an alien, who previously had been excluded, deported, and removed from the United States to Mexico, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the Defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

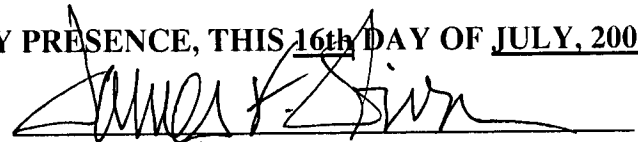
And the complainant states that this complaint is based on the attached probable cause statement, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT

Special Agent Michael Haynes

U.S. Immigration &amp; Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 16th DAY OF JULY, 2007.


 THE HONORABLE JAMES F. STIVEN  
 UNITED STATES MAGISTRATE JUDGE

**PROBABLE CAUSE STATEMENT**

I, Special Agent Michael Haynes, U.S. Immigration & Customs Enforcement ("ICE"), declare under penalty of perjury, the following is true and correct:

In early May 2007, during the course of my official duties, I spoke with Special Agent Christopher Rose, U.S. Department of State, Diplomatic Security Services ("DSS"), about Defendant Fernando GONZALEZ-Gonzalez. Special Agent Rose told me that he had an out-of-district Arrest Warrant from the District of New Hampshire for GONZALEZ because GONZALEZ had successfully obtained a U.S. Passport using the identity of a U.S. citizen, namely, Mark Antonio Jones, and GONZALEZ had used that passport to make entry into the United States. Special Agent Rose also told me that he had an address where GONZALEZ was residing in the Southern District of California – namely, 281 Elkwood Avenue, Imperial Beach, California (hereinafter "GONZALEZ's Residence"). In order to identify GONZALEZ, Special Agent Rose requested and received an analysis of a thumbprint submitted by GONZALEZ for a California Driver's License from the Federal Bureau of Investigation ("FBI"). The FBI analysis of GONZALEZ's thumbprint referenced an alien file, which I ordered. A routine records check using the alien file number related to GONZALEZ's thumbprint revealed that GONZALEZ was a citizen and national of Mexico who had been previously deported by an immigration judge in 1987.

On the morning of May 17, 2007, I accompanied Special Agent Rose to GONZALEZ's Residence. Special Agent Rose arrested GONZALEZ and filed an out-of-district Complaint in this District (Case No. 07MJ1093-JMA).

I conducted a more thorough review of the records related to GONZALEZ. The records revealed that GONZALEZ was deported from the United States to **Mexico on June 10, 1987** through the **San Ysidro, California, Port of Entry**. The records contained a Form I-213 (Record of Deportable Alien) identifying GONZALEZ as a citizen of Mexico, born in Tijuana, Baja California, Mexico, on February 3, 1966. The records also contained an immigration judge's order of deportation dated June 10, 1987, as well as a record of exclusion and deportation executed on June 10, 1987, which contained a photograph and fingerprint of GONZALEZ. These records show that GONZALEZ has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

On June 26, 2007, GONZALEZ waived his right to an Identity Hearing under Rule 5 of the Federal Rules of Criminal Procedure, and admitted he was "Fernando GONZALEZ-Gonzalez," the person charged in the Indictment and named in the Arrest Warrant out of the District of New Hampshire. Magistrate Judge Jan M. Adler issued a Warrant of Removal.